

STATEMENT OF ADDITIONAL GROUNDS
for COA # 54605-1-1 STATE of WASHINGTON
v. Jonathan J. Oson

Washington court of appeals DIVISION 2
Derek Byre Clerk/Administrator
Case Mgr/Jodie

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DIVISION II
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STATE OF WASHINGTON
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FACTS on trial Record

In 2020 Jonathan Oson was convicted by a bench trial of 1st Degree Murder and Felony Possession of a firearm. It took the state almost 2 years to investigate and be ready for trial. A non-testifying co-defendant pleaded the 5th Amendment so the state brought in hearsay statements from the unavailable witness through his girl friend. The hearsay statements were ~~not~~ instrumental in Osons conviction. Oson never got the chance to confront the unavailable witness' statements that Rat Mr. Oson at the crime scene.

The state brought in a offer of proof under the Ryar/Robert factors which are similar to see if the hearsay from Ms. Pyper is trustworthy under these 9 factors. #1. Motive to lie, #2. character, #3. whether more then one person heard the statements, #4. Spontaneity of the statements, #5. Timing of the statement and nature of the relationship between the declarant and witness, #6. whether there existed an express assertion of past fact, #7. Cross examination could not show the declarants lack of knowledge, #8. The possibility of the declarants faulty recollection is remote, #9. The circumstances surrounding the statement are such that there is no reason to suppose the declarants misrepresented defendants involvement.

Argument

Mr. Oson has a 6th amendment right to confront witnesses who bare testimony against him. There are few subjects, perhaps, upon which the Supreme Court and other courts have been more nearly unanimous than in their expressions of belief that the right of confrontation and cross examination is an essential and fundamental requirement for the kind of fair trial which is this country's constitutional goal. The state argued that under State v. Roberts statements made by a non-testifying co-defendant Mr. Flores through his girl friend Ryper could be admitted against Oson. The state's narrative goes against the hearsay statements saying that Mr. Oson was the one who shot and killed the victim when the hearsay says otherwise. Making those statements is clearly untrustworthy so coming to the 9 Roberts factors: #1 Motive to lie: PC47-PC48

Q. So given that he's not boastful that he doesn't brag; that he you know doesn't do certain things; did you believe him?

A. No

Q. So why did you not believe him? Because you said he doesn't boast

PG48

Argument

A. Because Raul knows how faithful like I would be and how loyal that I would be and he if him telling me that. That he did it, I wouldn't panic as much as knowing like oh my gosh that you did that Jon Jon did it. And also I know that under no circumstance would Raul ever let anyone else drive his car. And that just isn't it didn't make sense to me and I think it was just kind of awfully like for Raul saying that it was so that I remain calmer.

clearly he was lying in this statement and even his girl friend piper didn't believe him. He has every motive to lie in this factor not only from these statements he made the states story line is also different from what the hearsay from the unavailable witness. Factor #3 no one else heard those statements besides Ms Ryper. Factor #4 Ms Ryper on PG54 Q. So you say eventually. Kind of tell us what led up to that.

A. Well, I kept bugging him because of how he was acting and everything. And I kept saying what happened what did you do and he told me not to look online to try to figure out what happened. She kept picking at Raul so he would eventually say something so those statements was not spontaneous.

Argument

Factor #65 The answer is yes he talked about specific things occurred

Factor #66 He did and he apparently was there and witnessed all these events occur.

The Confrontation Waiver Rule, 76 B.U.L Rev 835 (1996) "There are few subjects, perhaps, upon which the Supreme Court and other courts have been more nearly unanimous than in their expressions of belief that the right of confrontation and cross-examination is an essential and fundamental requirement for the kind of fair trial which is this country's constitutional goal."

These hear say statements brought in Oson's trial was not trustworthy due to it violated the 6th amendment right to confront witnesses who bare testimony against him. There are few subjects, perhaps, upon which the Supreme Court and other courts have been more nearly unanimous than in their expressions of belief that the right of confrontation and cross examination is an essential and fundamental requirement for the kind of fair trial which is this country's constitutional goal.

Argument

A lot of the Robert factors hasn't been met also it wasn't the same as the states narrative that Mr. Oson got to confront the witness clause through only Ms. Pyper not the original person who made those statements. It is my constitution right to due so and the right to confront those who was used against me in trial. Any statements brought through a 3rd party hearsay especially made by non-testifying Co-defendant who is a unavailable witness. Ms. pyper's statements should of not been brought in because of her untrustworthiness. Not only her stories changed multiple ~~times~~ times to the police she even said that she didn't believe what Raul Flores SAID about the situation knowing he was lying to her because she knows him. The states Abuse of discretion is not only violated it by bringing those hear say statements in also it Abused its discretion to not let Mr Oson cross-examine and confront the unavailable witness who made those statements.

Remedy/Reversal Remand for New trial / Suspension of the hear say statements

Violation of 6th Amendment Right

I. The trial court violated Oson's 6th Amendment right to confront witness clause

A. It was abuse of discretion for the court to allow, hearsay statements made by an non-testifying co-defendant to be admitted

B. It was abuse of discretion for the court to not let Oson confront and cross examine the unavailable witness who made the statements

Case laws (violated 6th Amendment)

CRAWFORD V. WASHINGTON 2004

541 US 36, 158 LED 2d 177, 124 Set 1354

STATE v. McDANIEL, 155 Wn. APP.

829, 230 P. 3d 245 (2010)

STATE v. LUI 153 Wn APP 304 (2009)

STATE v. VALLADARES at 99 Wn. 2d 663

OHIO v. CLARK 192 LED 2d 306 US OPINION

UNITED STATES V. ESTES US APP LexIS 1017/2021

STATE V. CRAWFORD 147 Wn. 2d 424 (2002)